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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY: CP DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. **Ricardo AVALOS-Ramirez,** Defendant	Magistrate Case No. '08 MJ 0486
	COMPLAINT FOR VIOLATION OF:
	Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii) Transportation of Illegal Aliens
	Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

COUNT ONE

On or about **February 18, 2008,** within the Southern District of California, defendant **Ricardo AVAVLOS-Ramirez** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Arminda AVALOS-Ramirez, Yaritza GUTIERREZ-Sotelo,** and **Ricarda CRUZ-Jimenez** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

COUNT TWO

On or about **February 18, 2008** within the Southern District of California, defendant, **Ricardo AVALOS-Ramirez,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Sean Braud
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **19th** DAY OF **FEBRUARY 2008**

William McCurine, Jr.
UNITED STATES MAGISTRATE JUDGE

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CONTINUATION OF COMPLAINT:
Ricardo AVALOS-Ramirez

PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **Arminda AVALOS-Ramirez, Yaritza GUTIERREZ-Sotelo,** and **Ricarda CRUZ-Jimenez** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On February 18, 2008, Border Patrol Agents J. Jamelka and L. Gutierrez were performing uniformed duties at the Campo Border Patrol Station Checkpoint on Interstate 8 westbound lanes near Pine Valley, California. The checkpoint was fully operational with all signs, cones, and lighting deployed. At approximately 7:30 A.M. a gray Buick Regal bearing California license plate approached the primary inspection point with two visible occupants; the driver did not obey the signs or Agent Jemelka and drove through the primary inspection zone. Agent Jemelka yelled for the driver to stop after he drove past the posted stop sign. The driver complied with the order and stopped approximately ten feet beyond the stop sign. Agent Jemelka approached the driver, who appeared to be extremely nervous. Agent Jemelka directed the driver to park the vehicle in the secondary inspection area. The driver, later identified as the defendant Ricardo AVALOS-Ramirez, complied with the instructions and stopped in the secondary inspection area.

At secondary Agent Gutierrez approached the vehicle, identified himself as a Border Patrol Agent, and questioned the defendant and the female sitting in the passenger seat as to their citizenship and nationality to which they stated that they were citizens and nationals of Mexico in the United States illegally and without being in possession of any immigration documents that would allow them to be or remain in the United States legally. While speaking with the defendant and the passenger, Agent Gutierrez saw the back seat of the vehicle had been removed, and a blanket was draped in its place across the interior of the car. Agent Gutierrez requested consent to search the vehicle to which the defendant granted.

Agent Gutierrez looked inside the vehicle and observed one individual lying on the floor in the front of the passenger seat and two more concealed under the blanket in the back seat area. Agent Gutierrez identified himself as a Border Patrol Agent and questioned the three individual as to their citizenship and nationality. All three stated that they were citizens and nationals of Mexico in the United States illegally without any immigration documents that would allow them to be or remain in the United States legally. Agent Gutierrez ordered the defendant to exit the vehicle. Agent Gutierrez used the keys to open the trunk where he found four other individuals hiding. Agent Gutierrez identified himself as a Border Patrol Agent and questioned the four individual in the trunk as to their citizenship and nationality. All four freely stated that they were citizens and nationals of Mexico without any immigration documents that would allow them to be in or remain in the United States legally. The defendant and the other eight individual were arrested and transported from the I-8 checkpoint to the Campo Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on or about January 29, 2008 through the Port of Entry at San Ysdiro, California. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

CONTINUATION OF COMPLAINT:
Ricardo AVALOS-Ramirez

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DEFENDANT STATEMENT:

The defendant was reminded of his Miranda rights, which he stated and was willing to answer questions without a lawyer present. The defendant stated that he is a citizen of Mexico without any being in possession of any immigration documents that would allow him to be or remain in the United States legally. The defendant admitted that he was previously deported from the United States and that he was also convicted of transporting undocumented aliens in 1994. The defendant stated that he crossed the United States/Mexico International Boundary illegally on February 17, 2008 near Tecate, California Port of Entry with the purpose of smuggling undocumented aliens into the United States. The defendant also said that he was going to get paid $500.00 dollars to transport the undocumented aliens to a Budget Inn located at Adams Street in Imperial, California. The defendant further stated that a smuggler gave him the keys to the vehicle and told him that, if he wanted, he would get an additional $100.00 dollars per person to transport them to San Diego.

MATERIAL WITNESSES STATEMENTS:

Material Witnesses Arminda AVALOS-Ramirez, Yaritza GUTIERREZ-Sotelo, and Ricarda CRUZ-Jimenez stated that they were citizens and nationals of Mexico without any immigration documents that would allow them to be or remain the United States legally. The material witnesses stated that they entered on February 17, 2008 and were heading to Los Angeles, California to find work. They also stated that they made arrangements in Tecate, Baja California, Mexico to be smuggled to the United States and were to pay $500.00 to $2,500.00 dollars. The material witnesses identified Ricardo AVALOS-Ramirez as the driver of the vehicle through a photographic lineup.

Material witnesses GUTIERREZ-Sotelo and CRUZ-Jimenez stated that the driver was yelling not to look as his face. They also stated that they feared for their lives, because the driver was driving too fast.

Sean Braud
Senior Patrol Agent

William McCurine Jr.
U.S. Magistrate Judge

2/19/08, 1604hrs
Date/Time